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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/721,938	11/25/2003	L. Marie Krey	RLK-MWLO-0303	9940												
7590 Robert L. Knechtel Suite 3300 10 South LaSalle Street Chicago, IL 60603		05/31/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">PICKETT, JOHN G</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3728</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>05/31/2007</td><td>PAPER</td></tr></table>		EXAMINER		PICKETT, JOHN G		ART UNIT	PAPER NUMBER	3728		MAIL DATE	DELIVERY MODE	05/31/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/721,938

Applicant(s)

KREY, L. MARIE

Examiner

Greg Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's amendment received 5 March 2007. Claims 1-5, 7, and 10-12 are pending in the application. Claims 6, 8, 9, and 13 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

3. In light of the applicant's amendment, the objection to the specification is withdrawn.

### ***Drawings***

4. In light of the applicant's amendment, the objection to the drawings is withdrawn.

### ***Claim Rejections - 35 USC § 112***

5. The cancellation of claim 13 renders the rejection moot.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 appears to include a receptive member twice; where a claim directed to a device can be read to include the same element twice, the claim may be indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989).

### ***Claim Rejections - 35 USC § 102***

7. Claims 1-4 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrow (US 5,988,386).

Claim 1: Morrow discloses a container **14** (see Figure 7) for multiple catamenial related products **60 & 78**. Per applicant's specification (see page 9, lines 8-10), a circumferential ridge and groove arrangement are an acceptable waterproof seal. Accordingly, Morrow anticipates waterproof seals (Col. 7, lines 57-59, and seal **31**), and crush resistance (Col. 5, lines 21-24).

Claim 2: Morrow anticipates an outer shrink-wrap (see Col. 8, lines 13-20), which may be considered a "receptive member".

Claims 3 and 4: Morrow discloses a container **14** (see Figure 7) for multiple catamenial related products **60 & 78** and two chambers **36A & 36B**. Per applicant's specification (see page 9, lines 8-10), a circumferential ridge and groove arrangement are an acceptable waterproof seal. Accordingly, Morrow anticipates waterproof seals (Col. 7, lines 57-59, and seal **31**), and crush resistance (Col. 5, lines 21-24).

Claim 10: Morrow discloses a container **10** with a body **12/14** having a first end **12**, a second end **14**, first end cap **31**, second end cap **29**, and an enclosed end (middle separator, see Figure 7) separating the body into a first chamber **36** and a first

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compartment **20**. Per applicant's specification (see page 9, lines 8-10), a circumferential ridge and groove arrangement are an acceptable waterproof seal. Accordingly, Morrow anticipates waterproof seals (Col. 7, lines 57-59, and seal **31**), and crush resistance (Col. 5, lines 21-24).

Claim 11: Morrow anticipates first chamber **36** divided into a second chamber **36A** and third chamber **36B**.

Claim 12: Morrow anticipates a receptive member **48**.

***Claim Rejections - 35 USC § 103***

8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow as applied to claim 3 above, and further in view of Stravitz (US 6,164,442).

Claim 5: Insofar as the scope of the claim may be determined, Morrow, as applied to claim 3 above, discloses the claimed invention except for the receptive member including a receptive member.

Stravitz discloses a multi-compartment, crush resistant container **110** for catamenial related products **113** with a receptive member **128** affixed to the container and including a receptive member **132** for carrying or hanging the container (see Col. 6, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the container of Morrow with receptive member including a receptive member as taught by Stravitz in order to carry or hang the container.

Claim 7: The container of Morrow-Stravitz, as applied to claim 5 above, discloses the claimed invention.

***Response to Arguments***

9. Applicant's arguments filed 5 March 2007 have been fully considered but they are not persuasive.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., three chambers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, Morrow discloses chamber **36** divided into a second chamber **36A** and third chamber **36B**.

11. As to the waterproof seals, per applicant's specification (see page 9, lines 8-10), a circumferential ridge and groove arrangement are an acceptable waterproof seal. Morrow anticipates a circumferential ridge and groove arrangement (Col. 7, lines 57-59).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Pickett/  
Examiner  
Art Unit 3728

  
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